

HEARINGS

§ 1311.51 Hearings generally.

(a) In any case where the Administrator shall hold a hearing on any registration or application thereof, the procedures for such hearing shall be governed generally by the adjudication procedures set forth in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 1008 of the Act (21 U.S.C. 958), by §§ 1311.52–1311.53, by the procedures for hearings pursuant to sections 303 and 304 of the Act (21 U.S.C. 823–824) set forth in §§ 1301.51–1301.57 of this chapter, and by the procedures for administrative hearings under the Act set forth in §§ 1316.41–1316.67 of this chapter.

(b) Any hearing under this part shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under the Act or any other law of the United States.

[36 FR 7812, Apr. 24, 1971, as amended at 36 FR 13387, July 21, 1971. Redesignated at 38 FR 26609, Sept. 24, 1973]

§ 1311.52 Hearings on application for importation of Schedule I and II substances.

A hearing on an application for registration to import a basic class of any controlled substance listed in Schedule I or II required by § 1311.42 shall be held under the same procedures prescribed in §§ 1301.51–1301.57 of this chapter for a hearing on an application for registration to manufacture in bulk a basic class of any controlled substance.

[36 FR 7812, Apr. 24, 1971, as amended at 36 FR 13387, July 21, 1971. Redesignated at 38 FR 26609, Sept. 24, 1973]

§ 1311.53 Burden of proof.

(a) At any hearing on the granting or denial of an application to be registered to import or export any controlled substance listed in Schedule I or II, the applicant shall have the burden of proving that the requirements for such registration pursuant to sections 1008 (a) and (d) of the Act (21 U.S.C. 958 (a) and (d)) are satisfied. Any other person participating in the hearing pursuant to § 1311.42 shall have the burden of proving any propositions of fact or law asserted by him in the hearings.

(b) At any other hearing for the denial of an application for registration, the Administration shall have the burden of proving that the requirements for such registration pursuant to sections 1008 (c) and (d) of the Act (21 U.S.C. 958 (c) and (d)) are not satisfied.

(c) At any hearing for the revocation or suspension of a registration, the Administration shall have the burden of proving that the requirements for such revocation or suspension pursuant to section 1008(d) of the Act (21 U.S.C. 958(d)) are satisfied.

[52 FR 17289, May 7, 1987]

MODIFICATION, TRANSFER, AND
TERMINATION OF REGISTRATION**§ 1311.61 Modification in registration.**

Any registrant may apply to modify his registration to authorize the handling of additional controlled substances or to change his name or address, by submitting a letter of request to the Registration Unit, Drug Enforcement Administration, Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. The letter shall contain the registrant's name, address, and registration number as printed on the Certificate of Registration, and the substances (including the schedule and the Administration Controlled Substances Code Number, as set forth in part 1308 of this chapter, for those substances) to be added to his registration or the new name and address, and shall be signed in accordance with § 1311.32(f). No fee is required for the modification. The request for modification shall be handled in the same manner as an application for registration. If the modification in registration is approved, the Administrator shall issue a new Certificate of Registration (DEA Form 223) to the registrant, who shall maintain it with the old Certificate of Registration until expiration.

[52 FR 17289, May 7, 1987]

§ 1311.62 Termination of registration.

The registration of any person shall terminate if and when such person dies, ceases legal existence or discontinues business or professional practice. Any registrant who ceases legal existence